

**Livable Delaware Advisory Council
January 30, 2007
Meeting Summary**

Members Present: **Lt. Governor John Carney, Chair**
 Randy Marvel, Realtors
 Robert McLeod, Kent County
 John Hughes, DNREC
 Ken Murphy, NCC Civic League
 Steven Bomberger, Homebuilder Association of Delaware
 Marty Ross, Public member
 Michael Scuse, Department of Agriculture
 Rudolph Marshall representing Judy McKinney-Cherry, DEDO
 Ralph Reeb representing Carolann Wicks, DelDOT
 Lee Ann Walling representing Mark Brainard
 Richard Kautz representing Sussex County

Others Present: **Connie Holland, OSPC**
 Dorothy Morris, OSPC
 Charlie Baker, New Castle County
 DJ Guthrie, New Castle County
 Renee Dixon, Office of Management and Budget
 Megan Lehman, Intern, OSPC
 Laura Simmons, OSPC
 Herb Inden, OSPC
 Diane Dukes, OSPC
 Albert Shields, Office of Lt. Governor
 Vicky Walsh, DSHA
 Karen Horton, DSHA
 Gary Warren, New Castle County Farm Bureau
 Ed Justice, Delaware Farm Bureau

Mr. Carney welcomed everyone to the meeting and asked everyone to introduce themselves since there are new members present. Mr. Carney announced that the only item on the agenda was a presentation from New Castle County on the draft of their comprehensive plan. Mr. Carney asked Connie to explain the role of LDAC in the certification process.

Connie Holland stated that within 30 days of the date of plan submission to the State for Preliminary Land Use Service (PLUS) review, the County is required to present the plan to LDAC. Connie further stated that the plan was submitted to the PLUS process and reviewed by State agencies on January 24th. The PLUS review committee includes, but is

not limited to, representatives from DNREC, DelDOT, State Housing, State Fire Marshall's Office, Department of Agriculture, Education, and Historic Preservation. Those comments will be put into a PLUS letter within 20 working days from the January 24th meeting.

Once the PLUS letter is received, the County will determine if changes need to be made to the plan and will again meet with LDAC to let the committee know if and what changes were made. The LDAC then makes a recommendation to the Governor regarding certification of the plan.

Mr. Carney then turned the meeting over to Charlie Baker of NCC to make his presentation.

Charlie Baker discussed that about a year ago New Castle County formed various committees to discuss the different parts of the plan and make recommendations on changes. He discussed that the New Castle County Council is on track for a March adoption and asked that the LDAC take action on this plan as soon as possible so that the plan can be adopted in March.

Bob McLeod questioned how the State Resource Area (SRA) lawsuit would affect the County. Charlie stated that the map will be included in the plan with an implementation recommendation that the County consider ordinances to support the maps. The outcome of the lawsuit will determine if further implementation is needed. Connie Holland thanked the County for including the maps and noted that the plan should have a codicil which states that if one part of the plan is determined to be illegal the balance of the plan is still legal. Charlie stated that they do have that codicil in their plan.

John Hughes stated that the County and DNREC have worked together on their plan and DNREC has seen the plan and feels the County has done a good job in addressing the DNREC issues. Mr. Hughes stated that while they may ask for a few changes in the plan, his department has no major issues with the plan at this time.

Charlie discussed the areas as defined by the Future Land Use Map.

1. Municipalities – These areas identify current municipal boundaries within the County.
2. Community Redevelopment Areas – These areas are areas along transportation corridors or near municipalities that currently have infrastructure in place. These areas are generally commercial, office, industrial and apartments.
3. Existing Community areas – These areas are suburban areas within the county that are already in place or approved.

4. New Community Development Areas – These areas are south of Odessa, identified on the map as the “blue” areas. These areas either have or are scheduled to have sewer.
5. Possible Future Growth Areas – These areas are along the eastern and western side of the New Community Development Area where development could happen in the future. The County intends to use this Transfer of Development Rights in this area to slow the pace of development.
6. Preservation/Resource Areas – These areas are generally along the Bays and below the MOT corridor where the Counties hopes to use Transfer of Development Rights and other incentives to preserve farmland and natural resources.

Mr. Baker explained that a Memorandum of Understanding has been signed between the State, County, and municipalities in the Southern New Castle County Area to work together to master plan the area

Lt. Governor Carney asked about the allocation of the population and how the County hopes to achieve that goal. Mr. Baker stated that the county hopes to incentivise density through TDRs and mixed use developments.

Bob McLeod asked about the rezonings that would be done to make the plan match their zoning. Mr. Baker stated that the County comprehensively rezoned in 1998 and that the 2002 plan carried no rezonings with it.

Ken Murphy asked how this plan affected schools. Charlie stated that no laws, already on the books, would necessarily be changed with the new plan. The County is hoping that the master planning the southern area will help but they have always had a problem getting land for public purposes. The County is hoping to look at those questions through the implementation of the plan.

Marty Ross asked about the TDR program planned by the County. Mr. Baker stated that the County is still working on the details of the program. Mr. Ross stated he is concerned about the large difference in the amount of land in the Resource and Preservation areas over the amount of land planned for development. He stated that he cannot agree to support the plan until he better understands the economics involved for those who chose to preserve.

Mr. Carney stated that this plan is much different from the plan seen 5 years ago but that the implementation actions in this plan will make the difference.

Charlie noted that at this time growth is split between Northern New Castle County and Southern New Castle County. This plan looks for ways to change the growth trends so that approximately 60% of new homes are build in Northern New Castle County and 40%

in Southern New Castle County. He stated that the County knows they will have to create economic advantages in order to make the shift happen.

Mr. Carney asked if the 60-40 split was realistic. Mr. Baker stated that there are development areas north of the canal that they have as receiving areas but they cannot currently transfer rights outside of planning districts. The County is looking at this regulation to determine if that can be changed.

Mr. Carney asked what was being done regarding affordable housing. Mr. Baker stated that the County knows they need to create incentives for more affordable housing and that is one goal of this plan.

Mr. Ross again stated that he was concerned with the TDR program. He stated that there is not an equitable ratio between land slated for development and land slated for preservation. Mr. Ross noted that he agreed with the route the County is taking he just doesn't think it goes far enough. Mr. Carney asked what the public comments were regarding the TDR goals and Mr. Baker stated that there was skepticism from the public.

Mr. Carney asked the Department of Transportation representative how they had worked with the County on this plan. Mr. Reeb stated that DelDOT and the County worked very closely on the transportation elements of the plan. Mr. Reeb further stated that DelDOT supports the MOU for Southern New Castle County. DelDOT, through this process is aware of what infrastructure needs are in the County and about what they will cost. He also stated that the transportation part of this plan will go to WILMAPCO and become part of their overall plan.

Mr. Carney asked about the Economic Development goals of the plan. Mr. Baker stated that they are planning for high tech and small businesses and that the County is hoping to work with the State on pre-approved properties. Mr. Baker also stated that the County is working on changing their process from a three step process to a 2 step process to shorten the approval times. Lee Ann Walling asked if the County was looking at greyfields and Mr. Baker stated that they are.

Connie Holland stated that all State agencies represented at the PLUS review had positive comments about the plan. She noted that the State is pushing the district planning and the pre-approved areas. Mrs. Holland stated that the TDR program planned is a very positive step.

Mr. Carney noted that this is a big change from their last plan and that he remembers one of the issues in the last plan being the amount of land in the growth area. He noted that the County has scaled that back considerably in this plan. Mr. Carney asked if the Southern New Castle County road system monies were still available. Mr. Reeb stated that the monies are still there and the projects planned are being refined but that many developers are helping with cost sharing for roads needed to support new development.

Mr. Carney asked if there were any other questions/comments from the committee or public in attendance.

Gary Warren stated that the landowners have asked the County for an inventory of all lands available for TDR sending and receiving areas. He also noted that TDRs should be by-right and that the Farm Bureau is not totally in support of the plan at this time but they have given and will give comments in hopes of getting some changes made. Mr. Warren stated that in the future growth areas there are little to no lands left that are not under development of without plans. Mr. Baker stated that many of the original plans have sunsetted and that Water Farm 2 has little to no recorded plans but there are many pending plans.

Mr. Carney stated that he would like to see the letter sent to the County at the last update. He noted that the once the PLUS letter has been completed, the LDAC will receive a copy to review. He asked that Mr. Baker and Mrs. Holland work together on the timing of the PLUS letter and getting the LDAC back together once the letter is completed.

Connie stated that the local jurisdiction has been through their public hearings and the State Planning Office PLUS response will deal with issues that are required by law. The PLUS comments do not take into account public comments.

Mr. Carney acknowledged that but stated that the LDAC could suggest changes to the plan before recommendation for certification. Ms. Walling reminded those in attendance that there are no proxy votes so members will need to be present at the next meeting to vote on the recommendation of this group.